

**U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In The Matter of)
KHALILY, BEHROUZ)
)
V.) Case Number: 08 C 1515
) Judge Kendall
CITY OF CHICAGO, ET AL,) Magistrate Judge Ashman

JOINT INITIAL STATUS REPORT

1. The attorneys of record for each party including the attorneys(s) expected to try the case;
The plaintiff's attorney:

Dennis E. Both
Brown, Udell & Pomerantz, Ltd.
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2. Basis for Federal Jurisdiction;
28 USC Sec.1331 and 1367
3. The nature of the claims asserted in the complaint and any expected counterclaim;
The plaintiff claims that while driving his cab he was stopped by the defendant, Francis and arrested without probable cause and in perfecting the arrest, defendant, Francis used force in excess of that which was reasonably necessary. The plaintiff also alleges that the actions of the defendant were motivated out of personal animosity toward the plaintiff. There is no expected counterclaim.
4. The name of any party not yet served and the circumstances regarding non-service;
All parties have been served.
5. The principal legal issues;

Whether the defendant had probable cause to stop and arrest the plaintiff and whether the force used was necessary.

6. The principal factual issues;
The actions of the plaintiff immediately preceding and at the time of his stop as well as the actions of both parties during the stop and arrest.
7. Whether a jury trial is expected by either party;
Plaintiff has demanded trial by jury.
8. A short description of any discovery undertaken to date and any anticipated in the future;
No discovery has been undertaken to date. The parties anticipate issuance of written discovery and depositions of the parties, and plaintiffs treating physicians.
9. The earliest date the parties will be ready for trial and the length of the trial;
The earliest this case will be ready for trial is January, 2009 and is anticipated to last three days.
10. Whether the parties unanimously consent to proceed before the Magistrate Judge;
No.
11. The status of any settlement discussions and whether the parties request a settlement conference.
The plaintiff and defense have commenced settlement discussions and a settlement conference may be requested in the near future.

BROWN UDELL & POMERANTZ

CITY OF CHICAGO

By: /s/ Dennis E. Both

By: /s/ Christopher A. Wallace